



The Commonwealth of Massachusetts  
OFFICE OF THE  
DISTRICT ATTORNEY  
BRISTOL DISTRICT

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DELIVER TO:

NAMB

Elizabeth O'Brien

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FROM:

NAME

ADA Don Horwitz

MESSAGE:

- Play with Motion for Discovery of  
Forensic testing. You will see a Motion for  
Exculpatory Evidence - Can you Respond to that as well?

[REDACTED]  
you are a coll [REDACTED]

TOTAL PAGES INCLUDING THIS COVER SHEET:

4

TRANSMITTED:

DATE 6/21/12  
Time 9:50 AM  
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**COMMONWEALTH OF MASSACHUSETTS**

BRISTOL, ss.

SUPERIOR COURT  
NO. [REDACTED]

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COMMONWEALTH	)
V.	)
[REDACTED]	)
Defendant	)

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**DEFENDANT'S MOTION FOR DISCOVERY OF FORENSIC TESTING**

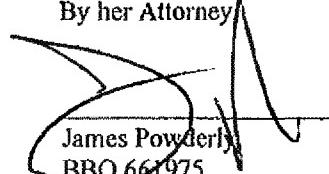
Now comes the defendant in the above-entitled action and moves this Honorable Court, pursuant to Rule 14 (a)(1)(A)(vii) of the Massachusetts Rules of Criminal Procedure, to order the Commonwealth to provide to the Defendant the following:

1. Identification of all forensic analysis and test procedures performed on the alleged narcotics seized in this case.
2. A description of the methods employed to conduct such analysis and testing.
3. A copy of the complete Massachusetts State Laboratory file created for the analysis and testing of the substances in this case documenting the receipt, processing, analysis and reporting of all tests. The defendant further requests
  - a. Any handwritten or typed notes produced by the chemists, assistants and laboratory workers who handled the substances in this case.
  - b. Documentation regarding the delivery, receipt and chain of custody of the substances in this case to the lab, as well as any documentation or notations recording the processes of weighing, and drawing testing samples from the substance in this case.
  - c. All documentation provided to the lab by the police department and/or prosecuting agency involved in this case including but not limited to submission forms, police reports, and internal documentation.
  - d. Documentation for all preliminary and/or screening tests.
  - e. Raw data, instrumental tracings, printouts, and graphs produced by chemical analysis systems including but not limited to: flame ionization detection, gas chromatography, liquid chromatography, high performance liquid chromatography, fourier transform infrared spectroscopy, "UV/VIS" spectroscopy, and mass spectroscopy.
  - f. Data, printouts, and information produced by the equipment documenting all "blank run", or calibration of the equipment between samples, to include any such "blank run[s]," or calibration performed before and after the sample(s) tested in this case.

- g. Data, printouts, and information documenting laboratory reference standards used by the laboratory for comparison with the sample(s) tested in this case.
  - h. Lab records of standard deviation rates for given substances
4. Documentation of the weekly, daily, and hourly quality assurance performed at the time of the testing of the sample(s) in the case.
  5. The names and curriculum vitae of all chemists, assistants and laboratory workers who handled or conducted any testing on the substances seized in the case.

This information requested is essential to afford the defendant the opportunity to prepare his defense and to confront the evidence against him, specifically the testimony of the chemist or lab technician who conducted the drug analysis in this case. See *Melendez-Diaz v. Massachusetts*, 129 S. Ct. 2527 (2009). This information is also necessary in order to provide effective assistance of counsel at trial pursuant to the Sixth and Fourteenth Amendments, U.S. Constitution; Articles XI and XII, Massachusetts Declaration of Rights.

Respectfully Submitted,  
Keoscha Pina  
By her Attorney



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Fax: 508-692-2496

**COMMONWEALTH OF MASSACHUSETTS**

BRISTOL, ss.

SUPERIOR COURT

NO. [REDACTED]

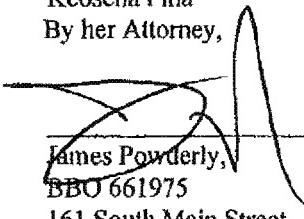
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COMMONWEALTH )  
                  )  
V.               )  
[REDACTED]       )  
Defendant      )  
\_\_\_\_\_

**DEFENDANT'S MOTION FOR EXCULPATORY EVIDENCE**

Now comes the defendant in the above-entitled action and moves this Honorable Court, pursuant to Rule 14 of the Massachusetts Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963) and *Commonwealth v. Ellison*, 376 Mass. 1 (1978), to order the Commonwealth to provide to the defendant with the below requested materials.

1. Whether chemist Annie Dookhan is currently employed with the Department of Public Health.
2. The circumstances, details and findings of all disciplinary and breach of protocol investigations of Annie Dookhan by the Department of Public Health.
3. If a breach of protocol was suspected, the time periods for such breach, the date the breach of protocol was discovered and the date and nature of any sanctions that were administered to Annie Dookhan as a result.
4. Any and all other exculpatory material regarding Annie Dookhan in her capacity as an employee with the Massachusetts State Laboratory.

Respectfully Submitted,  
Keoscha Pina  
By her Attorney,



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